

CITY OF NORTHVILLE
Planning Commission
March 17, 2015
Northville City Hall – City Council Chambers

1. CALL TO ORDER:

Chair Wendt called the meeting to order at 7:30 p.m.

2. ROLL CALL:

Present: Steve Kirk
Carol Maise
Dave Mielock
Christopher Miller
Matthew Mowers
Mark Russell
Anne Smith
Jeff Snyder
Jay Wendt

Absent: None

Also present: James Allen, Mayor Pro Tem
Patrick Sullivan, City Manager
James Gallogly, Public Works Director
Sally Elmiger, Planning Consultant

3. MINUTES OF PREVIOUS MEETING: January 20, 2015

The January 20, 2015 minutes were amended as follows:

On page 3, last paragraph: 429 ~~Biel~~ to 429 Beal

On page 5, 3rd paragraph from the bottom: 429 ~~Biel~~ to 429 Beal

Motion Kirk, support by Russell, to approve the January 20, 2015 minutes as amended.
Motion carried unanimously.

4. AUDIENCE COMMENTS: None

5. REPORTS:

A. CITY ADMINISTRATION:

City Manager Sullivan reported that last night City Council had approved the Cady Street Overlay District Ordinance and the Medical Marihuana Ordinance. City Manager Sullivan also reported that the City was adopting the ICC Fire Code by reference in the Ordinance, thus bringing the Ordinance into consistency with current practice.

B. CITY COUNCIL: None

C. PLANNING COMMISSION:

Chair Wendt announced that Planning Consultant Wortman was winding down his participation in Carlisle/Wortman generally, and Sally Elmiger would be – most often – providing consultant expertise at Planning Commission meetings.

Commissioner Smith asked about the question raised at the January 20 meeting regarding the lot split on Natalie Road. City Manager Sullivan said that lot split was approved by the Planning Commission in 1999.

In response to a question from Commissioner Russell, Chair Wendt said that the Commission would be receiving new zoning maps with the new Cady Street Overlay District as soon as they were printed.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS:

Commissioner Maise reported regarding her participation with the Downtown Development Authority Parking Subcommittee. She noted that there had been an increase in activity corresponding to the upswing in the economy. Merchants had come to the Subcommittee with a few proposals regarding parking behind the Marquis Theatre including additional signage, etc.

6. PRELIMINARY SITE PLAN REVIEW: 505 N. CENTER STREET – WHAT’S STIRRING

Commissioner Russell noted that he was working with the applicants and asked to be recused.

MOTION Mielock, support by Maise, that Commissioner Russell be recused from participation regarding Preliminary Site Plan Review: 505 N. Center Street – What’s Stirring. Motion carried unanimously.

Commissioner Russell left his seat on the Commission and joined the audience.

Referring to the March 11, 2015 Carlisle/Wortman review letter, Planning Consultant Elmiger gave the review for this application, located at 505 N. Center Street, in the Professional and Business Office District (PBO) with Central Business District – Overlay (CBD-O). The applicant was renovating an existing vacant building into a coffee shop.

Planning Consultant Elmiger called out the falling details and questions:

- The use was permitted in the zoning district, and the configuration would remain without modifications.
- The front property line was shown very close to the street. The applicant needed to confirm that this was the current location of the Center Street right-of-way.
- The existing parking lot provided the number of spaces required by ordinance.
- Storm water management needed clarification.
- The loading and unloading space seemed small compared to ordinance requirements. What types of delivery trucks would be used and how many deliveries would be made on a daily basis?
- Would bicycle parking be provided on the site?

- Landscaping, lighting and signs would be reviewed during final site plan review. The overlay zone required some type of streetscape amenity, including decorative lighting, pavers, and/or street trees.
- The dumpster was in the side yard setback. The Planning Commission had the ability to waive the setback requirement if they felt the dumpster was located in the most appropriate space.

Planning Consultant Elmiger concluded that she recommended for preliminary site plan approval, with outstanding issues to be addressed during the final site plan approval process.

Greg Presley, Presley Architecture LLC, 108 North Center, Suite 205, Northville, MI was present to speak on behalf of this application. He introduced owners Butch and Arleta Ibach.

Arleta Ibach, 9074 Joy Road, Plymouth, MI, said that she and her husband were the applicants for this proposal. She spoke to the overall aspects of this project, emphasizing the home-like atmosphere they wanted to provide for people to come for coffee and conversation.

Mr. Presley said that they agreed with many of the comments in the Carlisle/Wortman review letter. He made the following points:

- They were not going to regrade the property; rather they were going to grind and resurface the parking lot.
- The existing trench drain that captured storm water was mostly plugged. Before final site plan review they were going to clean this out and discover where the storm water was draining.
- Outdoor seating would be provided on both sides of the building.
- The proposed coffee shop was not a drive-through type establishment, but rather would provide an inviting place to relax and enjoy a slower experience.
- Minor issues that would be addressed before the next review included landscaping, dumpster placement, and designation of a compact space (#22). The applicants needed to hear from the Planning Commission if the proposed dumpster placement would be approved.
- They would provide a bicycle rack, most likely next to the building where vehicle parking was unavailable.
- A motorcycle space would be provided.
- Concrete that was falling in the public right-of-way needed to be addressed, including discovering who was responsible for that maintenance.
- They would work with Public Works Director Gallogly regarding discovering exactly where the property line was on the east.
- They would work with Public Works Director Gallogly to resolve all storm water management issues.

Mr. Presley concluded that this application met standards, and that issues called out could be resolved before final site plan approval.

In response to a question from Commissioner Maise, Mr. Presley said there was room for cars to maneuver around the dumpster. There was about 9 feet between the closest parking space and the dumpster.

In response to a further question from Commissioner Maise, Mr. Ibach and Mr. Presley described interior changes to the site. Mr. Presley said the only change they were making to the building's footprint was filling in an approximately 4-5 foot space on the west side to create a hallway so that there was a

convenient connection between the kitchen and the rest of the interior. They were keeping access to the sidewalk on the east side.

Commissioner Maise asked the total permitted occupancy of the building. Mr. Presley said he thought the occupancy limit was 67. Outside seasonal seating was not counted. Per ordinance, 28 parking spaces were required and 28 were provided.

Commissioner Mielock asked Planning Consultant Elmiger about parking space #1 on the southeast corner of the site, which was located in the front yard. Planning Consultant Elmiger said this space would be considered an existing nonconformity. Since no parking lot expansion was requested, the parking space could remain in its current configuration.

Commissioner Mielock asked that a dimension be noted on the plan for the north side of the new deck to the property line.

Commissioner Mielock continued that he would be more comfortable at final site plan review if there was a note or condition added that the 2nd floor was only going to be used for storage. Any future change to this condition should trigger another site plan review.

Commissioner Mielock said he felt the dumpster's proposed location was as good as any on the site, as it was along a retaining wall. However he did want to make sure that people sitting out on the deck were not negatively impacted by the dumpster's location.

In response to a question from Chair Wendt, Mr. Ibach said they would serve food at the coffee shop, though they did not consider themselves primarily a restaurant. They would serve such finger foods as sandwiches, muffins, donuts, etc. They would not have a fryer.

In response to a further question from Chair Wendt, Mr. Ibach said that they did not envision deliveries by large trucks such as 18-wheelers. Their vendors would know that the largest truck they really wanted utilized would be the same size as a FEDEX truck, for example. Much of their goods would be brought in their own pickup.

Chair Wendt noted that the applicants really couldn't control vendors' vehicles. He asked that the applicants address loading/unloading during final site plan review.

Mr. Presley explained that there was adequate space between the side of the building and the north curb for loading and unloading, even if a delivery was made in a large truck. Mr. Ibach said that they would patrol their vendors to make sure loading and unloading would not be an issue. They would bring more information regarding this to the final site plan review.

In response to a question from Commissioner Kirk, Mr. Presley explained the location of the handicapped spaces.

In response to a question from Commissioner Mielock, Mr. Ibach said that the shared parking agreement with Hillers would be ready for final site plan review. He thought the shared parking agreement was permanent, and he would verify this at final review.

In response to a question from Commissioner Maise, Public Works Director Gallogly said that he was satisfied with the storm water management as described on the plan and in tonight's discussion, as long as

the applicant discovered where the water was going and that the current storm water runoff was actually working. If the applicants were not increasing the impermeable surface, the current configuration would probably work.

In response to a further question from Commissioner Maise, Public Works Director Gallogly said that the plan to crush and resurface the parking lot was acceptable.

Seeing that there were no further comments, Chair Wendt said he was ready to entertain a motion.

MOTION Mielock, support by Maise, that Preliminary Site Plan, 505 N. Center Street – What’s Stirring, submitted by Gregory H. Presley of Presley Architecture, LLC, be approved, subject to:

- **Resolution of all items under *Recommendations* (pages 8-9) in the March 11, 2015 Carlisle/Wortman site plan review letter.**

Roll call vote was as follows:

Snyder	yes
Smith	yes
Miller	yes
Kirk	yes
Mielock	yes
Maise	yes
Mowers	yes
Wendt	yes

Therefore the motion carried 8-0 (Russell recused).

Commissioner Russell rejoined the Commission.

7. DISCUSSION

Lot coverage and height requirements

Chair Wendt commented that some new construction purposefully fit right into existing neighborhoods. Other new construction might meet minimum ordinance standards, but was built to the maximum possible. He asked whether or not the lot coverage requirement in all residential zoning districts should be 30%, instead of 35% as now permitted in some zoning districts.

Discussion followed. The Commission needed clarification regarding exactly how lot coverage was defined. Right now most residential zoning lots already had the 30% lot coverage requirement. Only those lots less than 7200 square feet permitted 35% lot coverage.

Mr. Presley commented that whether open porches were counted at 50% or 100% toward lot coverage was a matter of interpretation. Carlisle/Wortman interpreted open porches as counting 100%. Mayor Pro Tem Allen said the justification for counting porches at 50% was to encourage an important and attractive architectural element.

Commissioner Mielock asked about the height of finished floors. Mayor Pro Tem Allen explained that Building Inspector Strong was looking at this issue. New construction could gain greater height if they

built their basements above the ground and then graded up, resulting in retaining walls and tall structures on flat sites.

Chair Wendt asked Planning Consultant Elmiger to research both the lot coverage and height issues, and bring information back to the Commission.

Possible Cider Mill expansion

Planning Consultant Elmiger explained that the Cider Mill was exploring options for expanding their wine tasting operation. Right now wine tasting took up half of an existing building and wine production took up the other half. The Cider Mill was exploring constructing a new building, using the existing building for wine tasting and the new building for wine production.

Planning Consultant Elmiger continued that wine tasting would be a continued retail use. In the PR-1 District only 25% of the use could be retail use. The Board of Zoning Appeals had been asked informally whether they would still consider the wine tasting to be a conforming use in the District should construction of a new building go forward, and the BZA asked for a formal request before making that determination. Since the BZA's decision was uncertain, one idea was to modify the ordinance to allow 50% of the gross volume sales to be retail in this district, so that the Cider Mill did not have to ask for a variance every time they wanted to make a change.

City Manager Sullivan reminded the Commission that he had brought this issue up during the Master Plan discussion. Currently in the PR-1 Zoning District anything that had more than 25% retail as opposed to wholesale would be considered nonconforming. When the winery went in to what was previously a warehouse, it appeared to be an expansion of a nonconforming use. At that time [2011] the BZA allowed the wine tasting as a conforming use, but they might find it difficult to allow an expansion such as that being explored by the Cider Mill.

City Manager Sullivan pointed out the success of the Cider Mill, and asked: Was this the kind of use the City wanted to encourage? The City had already accommodated the lumberyard across the street, which was all sales, with no production involved. Therefore the question was being raised this evening whether the Commission wanted to change the ordinance to make the sale of products produced on site as 50% of the business.

In response to a question from Commissioner Maise, City Manager Sullivan said the Master Plan showed that eventually the area would be residential, should the Cider Mill someday not be there. However, the Cider Mill was a successful business and the City needed to decide whether it wanted the Cider Mill to stay and prosper on that site.

Discussion followed. Did the lumberyard set a precedent? Would an overlay be a better mechanism? Chair Wendt thought that growing businesses also grew people, and the Commission needed to do what it could to support local businesses.

After further discussion, Planning Consultant Elmiger suggested and the Commission agreed that this item be placed on a future agenda. All options needed to be discussed, and the whole of the PR-1 District also needed to be studied.

Mr. Presley suggested that the Cider Mill owners would be willing to come to the meeting when this was discussed.

Board of Zoning Appeals - Draft amendments to dimensional variance criteria

Referring to the document *Board of Appeals – Draft Amendments* dated March 3, 2014, and revised February 23, 2015 and March 6, 2015, Planning Consultant Elmiger said that since the Planning Commission had last seen this item, some language had been added to clarify the meaning and give examples of *not self-created*. Both the BZA and the City Attorney were satisfied with the new language. The next step was to set the amendments for public hearing.

Commissioner Maise said that she thought language referring to *detrimental to adjacent properties* could be useful in a variety of cases, including potential overbuilding of adjacent properties. Planning Consultant Elmiger said the Michigan Zoning Enabling Act did not actually include criteria for use by Zoning Boards. The criteria as presented this evening were developed through case law, except in the case of criteria 5: *The Board of Zoning Appeals may evaluate whether or not the request would have an impact on public safety or create a public nuisance*, which the Planning Commission had wanted kept in the Ordinance for added emphasis.

Chair Wendt asked the Commission if they were ready to move forward on this item.

MOTION Mielock, support by Maise, to set Board of Zoning Appeals – Draft Amendments for Section 25.04 Powers and Duties, dated March 3, 2014 and revised February 23, 2015 and March 2015, for public hearing.

Roll call vote was as follows:

Russell	yes
Snyder	yes
Smith	yes
Miller	yes
Kirk	yes
Mielock	yes
Maise	yes
Mowers	yes
Wendt	yes

Therefore the motion carried 9-0.

Cady Street Overlay Height Regulations

Commissioner Kirk asked if there had been any comment at City Council regarding the height regulations in the Cady Street Overlay Ordinance.

City Manager Sullivan explained that when approving the Ordinance, City Council had adjusted the height standard so that west of Griswold four stories was permitted until it became five stories. That is, the area on the south side of Cady, west of Griswold that had been recommended to step down to three stories was changed to four stories. East of Griswold, on the north side, the three-story standard remained.

Discussion followed. Commissioner Kirk and Chair Wendt thought the result would be a canyon-like appearance. Commissioner Snyder noted that the CSO District language had been recommended after much discussion and thought.

Chair Wendt asked Mayor Pro Tem Allen to communicate to City Council the Commission's displeasure with this change.

8. ADJOURNMENT:

As there was no further discussion, Chair Wendt asked for a motion to adjourn.

MOTION Russell, support by Mowers, to adjourn the Planning Commission meeting at 8:37 p.m. Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published 4-21-2015